

memorandum

DATE: MAR 29 1993

ADMIN RECORD

REPLY TO
ATTN OF EM-453 (A. Rampertaap, 3-8191)

SUBJECT: Rocky Flats Response to the Regulators Regarding Notice of Violation

TO: Acting Manager, Rocky Flats Office

On March 16, 1993, a Notice of Violation (NOV) for missing an Operable Unit (OU) 2 Interagency Agreement (IAG) schedule milestone was received from the Environmental Protection Agency and Colorado Department of Health. The Department of Energy (DOE) has no current plans to protest the fines. Although the exact amount of the fines is currently not known, it is believed that the fines will be reasonable.

The DOE response to the NOV and change to the IAG milestone schedules must be as follows:


- Formally notify the regulators that DOE will accept fines and penalties associated with the NOV without dispute. Point out that, when they are determining the amount to assess, they consider that the funds expended on penalties reduce the amount available for environmental restoration.
- Immediately initiate a series of meetings with staff level regulators to describe in detail the project management, baseline, and change control process, and to jointly define the exact procedures that will lead to their involvement in the process. These may include participation in the formulation of roadmap issues, assumption development, and membership on the Field Office Change Control Board. In order to be fully effective, the regulators will need to have a good understanding of the project management system.
- Request the regulators work jointly with DOE through all programmatic and OU-specific issues; it is believed that we can jointly then see first hand what the problems are. This can have several benefits which are (1) the project will move forward at a faster pace since work is being done on the problems at hand; (2) we will be more able to exercise the provisions of the IAG that address scope growth; (3) the fines and penalties that will be imposed will be minimal because of the progress made, and (4) ways to streamline the assessment and cleanup process at Rocky Flats will be jointly identified with the regulators.
- Request that the Quality Action Team effort be expanded to review the scope and schedule of all Environmental Restoration activities against available resources.

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Again, I emphasize, all efforts should be directed at completing the necessary work while incorporating participation of the regulators. Our ultimate goal is to establish a realistic process for the identification and scheduling of firm milestones. Your staff may obtain further details regarding this approach through Headquarters Rocky Flats Environmental Restoration Program Manager, Autar Rampertaap.


R. P. Whitfield
Deputy Assistant Secretary
for Environmental Restoration

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60 of 12